



Disability Disclosure Guidelines for Academic and Faculty Support Staff (Students)

1. Introduction

The University is committed to providing an accessible and welcoming learning environment for staff and students and embraces diversity and inclusion. It seeks, therefore, to create a learning environment which provides the necessary support for all students to achieve their potential. Students and staff come to the University from a range of backgrounds and cultures and with a wide range of academic and life experiences. This enriches life in the University for all.

This commitment is outlined in the University's Equality Scheme and associated policies and strategies, including its 'Widening Access and Participation' and 'Teaching and Learning' strategies.

In addition, the University is committed to promoting positive attitudes towards disabled people and encouraging participation of disabled people in public life. The Special Educational Needs and Disability (NI) Order 2005 (SENDO) (as amended) imposes specific duties on the University with regard to prospective, current and past disabled students. Under SENDO, the University is prohibited from unlawfully discriminating against disabled students and prospective students by failing to put in place a reasonable adjustment. This means that the University and its staff must anticipate and make reasonable adjustments to educational provisions for disabled students in general, and also make 'reactive' reasonable adjustments to address the specific access requirements of individual disabled students. Therefore, it is important that staff actively encourage disabled students to tell someone about (i.e. disclose) their disability so that the information can be used to provide appropriate support and to make reasonable adjustments. This will also help to create a universally accessible environment.

Disclosure is aimed at gaining knowledge to assist the student to realise his/her full potential. It is not aimed at learning about a student's disability per se. Therefore enquiries should not be intrusive.

2. How might I know that a student has 'disclosed'?

A student may tell you formally that they are disabled (e.g. in writing, by checking the relevant box on an application form), or informally (e.g. in conversation, by communicating with you using a text phone), either before or after admission to the University. Once a disabled student has told a member of staff that they are disabled, whether formally or informally, then in legal terms, the University as a whole is deemed to know. If a student requests confidentiality then the potential implications of this decision should be clarified (see Section 5).

3. How might I to encourage disabled students to disclose their disabilities?

Students are currently given an opportunity at application to disclose a disability. This information is passed to Disability Services who then contact the student in order to assess the support required. However, many students do not disclose at this stage either because the student does not see him/herself as disabled or s/he fears that the information will adversely impact on the admissions process. In addition, students may acquire a disability whilst at University or a disability or medical condition may deteriorate. There is no duty on a student to disclose his/her disability, and some students may prefer not to disclose a disability for various reasons (e.g. fear of discrimination). In general, it is in a student's best interests to disclose his /her disability so that bespoke /tailored support can be provided and staff will better understand how to make learning more accessible for the student. They should be able to request support at any stage during their course. Therefore, you should encourage a disabled student to disclose a disability by:

- creating appropriate opportunities for disclosure, so that reasonable adjustment requirements can be made (e.g. at induction, at a tutorial, at exam registration, prior to placement);
- making students aware of the support available, for example, by:
 - displaying information about Disability Services;
 - including information about Disability Services in your course/programme handbook. A general statement which can be included in your handbook is available in Appendix A;
 - inviting Disability Services to speak with students at Induction;
 - referring students to the University's Disclosure guidelines (available at: ulster.ac.uk/aboutus/governance/equality-diversity);
 - referring students to the University's Data Protection Policy (available at ulster.ac.uk/aboutus/governance/policies);
- creating an open and welcoming atmosphere;
- explaining that staff will be better placed to provide appropriate additional support to the disabled student if the student discloses he/she has a disability
- explaining that all disability information will be used only for the purposes of providing reasonable adjustments and for planning purposes, and will be treated in line with the Data Protection Act 1998; and
- explaining that University staff cannot unlawfully discriminate against a disabled student as a result of their disclosure and the University will treat any complaints regarding discrimination in a serious manner.

4. What do I do if a student identifies him/herself as being disabled?

If a student tells you that they have concerns about access or meeting course requirements, which you think could be for a reason related to a disability, you should arrange to meet and take the time to discuss the support sought in a confidential setting. During this meeting you should:

- reiterate that it is in the student's best interest to disclose, emphasising that the aim of disclosing is to put appropriate support in place and that it is not necessary to give full personal details other than in a confidential setting;
- make it plain to the student that they do not need to tell you about the details of their disability;
- outline the support provided by Disability Services, for example, in assessing and implementing appropriate reasonable adjustments, liaising with relevant key staff about implementing reasonable adjustments and providing assistance in obtaining disability related funding to pay for individual resources;
- encourage the student to contact a Student Disability Advisor;
- discuss the student's reasonable adjustment requirements;
- ask the student's written permission to pass on the information necessary to make reasonable adjustments either;
 - where the student wishes to avail of the support provided by Disability Services, by completing a Disability Services Disclosure Form with them (Appendix B, also available at: studentsupport.ulster.ac.uk/Disability/disability.php);

or, alternatively:

- where the student does not wish to contact Disability Services, or other relevant staff (for example, by asking them to write a letter/Email or sign a note to this effect during the meeting);
- confirm who the student agrees the information necessary to make reasonable adjustments should be shared with, and which information should be shared;
- discuss confidentiality issues with the student (see Section 5); and
- let the student know about the internal complaints procedure and that SENDO offers protection against Disability Discrimination.

After the meeting, and once you have received written consent from the student, you must pass on the disability information and/or the Disability Disclosure Form, as agreed with the student, as soon as possible.

If the student does not provide written confirmation, the information should not be passed on (unless exceptional disclosure applies, in which case you should refer to Section 7 of the University's Disclosure Guidelines and liaise with Disability Services and the University's Data Protection Officer before passing on any information). You should not 'badger' the student for their written consent, as this could be perceived as harassment.

You should always get advice from, and work collaboratively with Disability Services and the student, in order to determine and put in place appropriate reasonable adjustments.

5. How should I deal with a student who discloses a disability to me, but insists that they do not want any information to be passed on?

A disabled student has the right to request that you do not reveal the existence or nature of his or her disability to anyone else (the rules of confidentiality will ALWAYS apply). You should:

- if necessary, contact Disability Services staff or Policy Implementation Unit staff for advice on how to deal with this request (without disclosing the student's name);
- take time to talk to the student in private, and go through the University's Disclosure guidelines with them;
- explain to them that disclosure is aimed at gaining knowledge on how reasonable changes can be made to the University experience to assist the student to realise his/her full potential. It is not aimed at learning about a student's disability and is not meant to be intrusive or cause unlawful discrimination;
- explain that certain key people may/will need to know (if appropriate) about their disability so that bespoke /tailored support can be provided and staff will better understand how to make learning more accessible for the student (for example, with regard to course design, assessment, placement and, where appropriate additional disability funding);
- explain to the student that a request not to make information available to others may affect the range of adjustments made. It may mean that either a reasonable adjustment has to be made in a different way, a less satisfactory alternative reasonable adjustment is made, or no adjustment is made;
- explain that there are exceptional circumstances when you must share disability information (see Section 7);
- explain that all disability records will be kept in a secure place and disposed of safely, in accordance with the Data Protection Act 1998; and
- if the student still requests that you do not reveal the existence or nature of his or her disability to anyone else, ask for this request to be confirmed in writing. Ensure that this written confirmation is stored in line with the University's Data Protection Policy and that you do not pass on any disability information without the student's written consent (unless exceptional circumstances apply, in which case you should refer to Section 7 of the University's Disclosure Guidelines and liaise with Disability Services and the University's Data Protection Officer before passing on any information).

6. Where and how should I store information about a student's disability?

All student disability information should be treated as 'sensitive information' under the Data Protection Act 1998. This means that you must store the information in a secure place, treat it as confidential and dispose of it safely, in line with the University's Data Protection Policy.

7. When must I share confidential information without the student's consent?

Certain exceptional circumstances may allow for the release of personal data. These include:

- where there is an immediate threat to the personal safety of the student concerned, or to the safety of others;
- where there is a legal requirement to disclose that information (i.e. a crime has been committed or it is covered by health and safety legislation); and/or
- where professional fitness to practice may be compromised (this will apply to a limited number of courses where the disclosure of personal data is necessary to assess fitness to practice).

This list is not exhaustive.

Health and safety and fitness to practice concerns should be tested against a detailed and personal risk assessment or with reference to documented criteria from the appropriate professional body.

In cases of 'exceptional disclosure' the consent of the student should not be sought where it is likely to increase the level of risk to that student or to a third party. In order to determine whether exceptional circumstances apply, you should contact the University's Data Protection Officer before releasing any personal data/disability information. This reduces vulnerability to litigation. Each case of exceptional disclosure should be considered individually.

8. What are my responsibilities with regard to passing on/sharing disability information?

Once you know about a student's disability, and explicit written consent has been obtained to share this information, you must pass on this information as soon as possible to relevant staff, and in accordance with the University's Data Protection Policy. This includes passing on information about a student's reasonable adjustment requirements prior to placement.

It is not the student's responsibility to tell every member of staff (or placement provider) about their disability. In effect, a student should only have to disclose to a member of staff at the University once.

You should not pass on any information about a student's disability when providing job references, unless you have received written consent from the student to do so (See Section 11).

9. Whose responsibility is it to pass on information about a student's disability prior to placement?

Without exception (and assuming that the student has given written consent for information to be passed on), the placement tutor is responsible for passing on relevant and mutually agreed information about the student's reasonable adjustment requirements, and ensure that these are put in place, prior to placement.

10. What should I do if I think that a disabled student is applying for a placement which I think may pose a threat to the personal safety of the student concerned, or to the safety of others?

Where you think that there may be an immediate risk to the future well-being of a student or others because a student is applying for a particular placement, you should liaise with Disability Services in this regard. Disability Services staff will help to ensure that the access needs of the individual student are met and, where necessary, that any Health and Safety concerns the placement tutor may have are addressed through an appropriate risk assessment prior to placement. Where a Student Disability Advisor makes an assessment that a particular placement would be unsuitable for the student, they will discuss this with the potential student, and advise the student to apply for a different placement (or, if appropriate, a different course).

Competence standards are currently being developed for each course, with assessment, placement and progression in mind (see the University's 'Developing Competence Standards' Staff Guidance Booklet). Following the implementation of competence standards, this situation is less likely to arise, as all students will be expected to meet the competence standards (i.e. be able to complete the placement element of the course) prior to admission.

You should also refer to the University's 'Good Practice Guide for Work Based and Placement Learning':

studentemployability.ulster.ac.uk/storage/app/media/Downloadable%20resources-%20WBL/WBPLGoodPracticeGuidance.pdf

11. When writing a reference, is it my responsibility to inform an employer that a student is disabled?

It is not your responsibility to tell a potential employer that the student is disabled or inform them of a student's disability access requirements. Under the Disability Discrimination Act 1995, the employer has a responsibility to give each and every applicant the opportunity to disclose their reasonable adjustments requirements prior to interview. However, if you think that exceptional circumstances apply (for example, that there may be a Health and Safety or Fitness to Practice issue), seek clarification and advice from Disability Services and the University's Data Protection Officer before proceeding/returning the reference.

12. Should I tell students that I am expected to report on their attendance when providing references?

Yes. This might also encourage disabled students to disclose their disability, especially if their attendance has been (or is likely to be) poor. Students should be informed that you will need their written consent before passing on any information about their disability to potential employers, and that the information will only be used in a positive way (for example, to explain poor attendance).

13. How should I report on a student's attendance record in a job reference, without unlawfully discriminating against a disabled student?

You should answer truthfully about their attendance. However, absence which is related to disability or long-term ill-health (which would be considered a disability under the DDA) should not be reported explicitly in the attendance record.

The student can give consent for certain information about their disability to be shared with prospective employers. This could include information about disability-related sickness absence, where the inclusion of such information might help to present the student in a better light if their general attendance record is poor. Staff should obtain the student's written consent before providing such information. Where appropriate, staff should also liaise with the student's Disability Advisor to ensure that the information provided in the reference does not unlawfully discriminate or encourage unlawful discrimination against the student.

A standard form of wording which can be included in references is provided in Appendix A.

14. Who should I contact for additional support and advice?

You should contact one of the Student Disability Advisors if you need advice about supporting disabled students and prospective students, or providing reasonable adjustments. A Student Disability Advisor is available on each campus (details at: studentsupport.ulster.ac.uk/Disability/disability.php).

15. Do these guidelines apply to all staff? / Does the University have a Disclosure Policy which covers all staff?

In principle, yes they do. However, it was felt that a number of tailored guidelines, rather than one set of guidelines, would cater more effectively for the specific needs of different staff categories. This is mainly due to the fact that the interactions between students and different staff categories vary in 'formality' (for example, the University would not expect manual staff to have the same level of involvement or responsibility as a lecturer in determining access requirements or reasonable

adjustments for a disabled student). The University's disclosure guidelines are available at: ulster.ac.uk/aboutus/governance/equality-diversity.

16. Are there other useful resources that I could refer to?

Further information about supporting students with disabilities can be found at:

ecu.ac.uk/guidance-resources/inclusive-environment/providing-support/disabled-people/

Further information about SENDO and disclosure can be found at:

jarmin.com/demos/course/senda/07.html

studentsupport.ulster.ac.uk/Disability/disability.php

The University's staff guidance on disclosure is located at:

ulster.ac.uk/aboutus/governance/equality-diversity

The University's Good Practice Guide for Work Based and Placement Learning is located at:

studentemployability.ulster.ac.uk/storage/app/media/Downloadable%20resources-%20WBL/WBPLGoodPracticeGuidance.pdf

The University's staff guidance on developing competence standards is located at:

ulster.ac.uk/aboutus/governance/equality-diversity

The University's Data Protection Policy is located at:

ulster.ac.uk/aboutus/governance/policies

Appendix A

General Disability Statement for inclusion in Faculty Handbooks

It would be good practice to include a general statement within your Faculty Handbook as follows:

‘The University welcomes and encourages disabled students on to its courses. We would encourage you to disclose your disability to the University at the earliest opportunity to enable us to make arrangements for you. This can be done by disclosing on application forms, at enrolment and registration, to course staff or by contacting Disability Services. All information regarding your disability will be kept confidential and will only be communicated with your consent to relevant staff within the University. For further information, please see Disability Services web pages at studentsupport.ulster.ac.uk/Disability/disability.php.’

General statement regarding attendance for use in student references

Where information on attendance is requested in student references you should include the following statement:

‘The University is aware that by providing information about attendance, it may inadvertently discriminate against, or cause unlawful discrimination of a disabled student, especially where attendance on the course has been poor. With this in mind, the University will only report on disability-related absence where the student has given their consent or where exceptional circumstances apply. Therefore, the attendance information provided to you below may include disability-related absence. However, where long periods of absence are reported, it should not be assumed that the respective student is disabled.’



Appendix B

Disability Services Student Disclosure Form

Name:	Date of Birth:
Student Number:	Contact details:

I do/do not* (*delete as appropriate) give my consent for the information I have provided regarding my disability disclosure to be passed on to the relevant Disability Services staff so that reasonable adjustments can be made.

I also understand that should I choose for information/details of my disability not to be passed on to Disability Services staff, Ulster University may be unable to meet my needs as a disabled student or to make reasonable adjustments as per requirements under the Special Educational Needs and Disability (Northern Ireland) Order 2005 (as amended)(SENDO).

Full name (student):

Signature (student):

Signed (staff):

Date:

To staff: Should the above student consent please ensure this form is passed to Disability Services. If the student does not consent, retain this form in a secure place and treat it as confidential information under the Data Protection Act 1998.

This booklet is also available on the University's website at:
ulster.ac.uk/aboutus/governance/equality-diversity

It can also be made available on request, in alternative formats including Braille, computer disc, audiocassette, and in minority languages to meet the needs of those who are not fluent in English.